IMT Nuremberg Archives

H – 1025

International Court of Justice

H1025 - 0002

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OR ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 March 1946.

4 July 1946

COMMISSIONERS:

MR. GEORGE R. TAYLOR.

THE GENERAL STAFF

(The Commission convened at 1530 hours)

DR. WILHELM LIST, a witness, took the stand and testified as follows:

BY MR. TAYLOR:

Q Will the witness rise and repeat his name?

A Wilhelm von List.

Q Will you raise your right hand and be sworn, please, as follows: I swear to God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath)

MR TAYLOR: Proceed with the examination of the witness.

BY DR. LATERNSER:

Q When were you born?

A on 14 May 1880.

Q What was the last rank that you held?

A Field Marshal General.

Q What important offices did you hold within the German Wehrmacht?

A From 1930 to 1933 I was commandant of the infantry school in Dresden.

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From 1933 to 1938 I was division commander of the 4th Division, and later commanding general of the 4th Company Division in Dresden. In the Spring of 1938 I was for a short time commander in chief of Army Group Kassel. On the 1st April 1938 I became commander in chief of Army Group 5 in Vienna. In the war I commanded an Army each in Poland, France and Greece. In 1941 I became ill and later held only a two months front commandership from July to September 1942. In 1942 I retired and was not employed since.

Q Witness, were the persons named in the alleged group of general staff and OKW organized or united as a group?

A No. These persons were not organized as a group, or united as such, and there was not even any private political union of these people. Each person was called to serve in his position as an individual, and was given his orders. There was no political, or any parliamentary participation in anything, that was impossible. The people were appointed to their posts solely on the basis of character and ability, and personality. These people did not even have any definite binding of one to the other. They were in no way organized, and there was not even any official exchange of opinions.

Q In the Spring of 1938, that is, during the time of the annexation of Austria, you were Commander in Chief Kassel, is that correct?

A Yes.

Q When did you learn of the intention of entering Austria?

A I learned of the intention of entry on that morning, and of the entry itself through the radio. I was all the more surprised because I as Commander in Chief, Army Group 2 Kassel, was responsible for securing the

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western front. This is particularly a typical example of how little Hitler informed his generals of his intentions, and how secret his actions were kept; they had to play a long important part in these actions.

Q You also participated in the occupation of Czechoslovakia. didn't you?

A Yes. I occupied southern Moravia.

Q And when did you hear of the intention of this occupation?

A A short time before the occupation.

Q And how long beforehand?

A I could not say that with certainty any more. Perhaps one or two days beforehand.

Q Did you command an army in the French campaign?

A Yes. When I arrived at the Western front I learned from the commander in chief of the army group, von Bock, that he had just now received an order for a plan of attack. Bock was strictly opposed to any settling of dispute by war. In the course of the next few weeks I then reported on this, and conveyed my impression with the consent of my chief when I consented, and the commander in chief of the army was of our opinion. Hitler gave us our answer to our opinions in the Reich Chancellory in November 1939 by accusing us and the other generals of being timid.

Q When were you informed about the intentions concerning Norway?

A I was not informed about the intentions. I only learned of the fact as such be means of the public news service.

Q In 1941 you commanded the armies in Greece, and in the south of Jugoslovakia?

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A Yes.

Q Who gave you your orders?

A I received my orders from the commander in chief of the army a short time before Christmas 1940; the order that I should collect a group in Rumania, or a troop group in Rumania. The concentration at that time had already started, so that I had not heard concerning the plan as such previously. It was then intended to remove this troop later on, and to Bulgaria, this might become necessary because information had been received concerning the intentions of concentration of British troops in Greece, and, that information had been received concerning the intended landing of a stronger force on Saloniki. Hitler himself wanted to avoid an armed conflict with Greece if possible. After the Intelligence received information concerning the intention of the concentrations in Bulgaria, and also the actual concentrations of troops in Crete and Greece had become even more strong, Hitler gave the order to occupy Greece. There was the opinion that I had the opinion, which I had, ~~was~~ that this concerned an active defensive operation against a danger that threatened from the British. This threat of danger consisted first in the threat to the Italian front as such, a threat to the middle field in Rumania, and a threat to the supply lines in Bulgaria and the Balkans, and in order to anticipate this danger, the invasion was ordered.

Q You also commanded against Jugoslovakia, is that correct?

A Yes, the southern area of Jugoslovakia, and southern Macedonia.

Q Were you heard on this point before the decision was taken?

A No. I was not heard on this point beforehand. On the contrary I was surprised when the order came through to invade. That was after

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the overflow of the Jugoslovakia , that was directed against it up to this time,the concentration, had always been directed towards the south of Jugoslovakia,and had not been allowed after it became an excess, or overflow, and that the troops be allowed to pass through their country in sealed train cars,and this order then came very suddenly, and then that every plan had to be completely and suddenly changed. About fifteen Jugoslovakia Divisions were reported to me to have concentrated to which I could only oppose very inferior troops. Therefore, I must say that an invasion of Jugoslovakia, as well as that of Greece, was distinguished by being a military active defensive action,and not an aggressive action as setforth in the indictment. It was purely a defensive action against a military threat.

Q The prosecution maintains that the war in Jugoslovakia and Greece was waged as a merciless war. Did you receive any orders to this effect, or receive any order yourself to this effect?

A No. No, I did not receive such orders,and I also did not issue such orders. It would have been a complete contradiction to my christian and to my ethical attitude to ask the troops to carry on such warfare. The sincere sympathies that I held towards the Greek people would also have meant another reason against this method. The facts as such contradict the accusation. If I may say so in a few words,the war in southern Macedonia was decided within a few days. Casualties Actualities on both sides were low. The individual Jugoslovakia troops did not refuse to participate in the fight atall. These troops were Croatian tribes who sympathized with Germany. The relationship with the population was on a whole made up of Macedonians, and also was of Thacian,and was on the whole natural.

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Gallagher
4 July
von List

Three days after the beginning of hostilities Saloniki was taken without any fighting. Immediately afterwards the British Army capitulated. The commander inchief of this army was made after a few days governor of Thracia and Macedonia. On 20 April the Imperial Army capitulated in Greece with about 250,000 men. I invited the commander in chief to my quarters for breakfast without having the Italian delegation present in order not to hurt his feelings as a military man, for he had been at the request of Hitler and was immediately asked to sigh a capitulation for a second time. The prisoners of war of the operation as of the Imperial Army were dismissed at my request immediately after the Armistice. The officers were allowed to take their arms along, and all of this took place at the time when we were still fighting with the British in Greece. In order not to have the operations make Italian prisoners of war, I drew up a security line here. At the conclusion of the Armistice I issued an order of the day to my troops, and in this order expressed my respect for the courage of the Greek troops, and also of the Metaxas line, and recommended my soldiers publicly to behave in a similar way. Many prisoners of war that had been released were taken along by our soldiers to their native villages and towns in military transport cars and trucks. On 27 April Athens was entered without any fighting, and no destruction had taken place within the city.

Q Did any destruction occur when Saloniki was taken?

A No, in no way.

Q And then there would be in a short while a war against Greece?

A Yes.

Q Did you issue any orders whatsoever concerning the treatment of the

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Greek population in Greece?

A I repeatedly told my troops and commanders to treat the Greek population as carefully as possible, and to preserve the Greek population from suffering the cruelties of war. All of us were pervaded by the thought of trying to reach a peaceful agreement with the Greek population.

Q Can you give a few examples concerning the relationship of the troops to Greece.

DR. KEMPNER: Do we need all of these details.

DR. LATERNSER: I believe this question is important relative to the case where troops have been accused of waging ruthless war, and that is shown in the indictment.

DR. KEMPNER: If the witness can prove these allegations which are written is one thing,but whether he knows of these things which he says refers to the confines of the indictment is another thing. That there were instances in which the troops were nice to the population I do not see any relevancy there.

DR. LATERNSER: I shall refer here now to special cases mentioned by the indictment and the prosecution.

MR TAYLOR: The Commission is of the opinion that the witness in confining it to the whole as the commander,and in a country in which it would be a certain defense - a proper defense; out of the organization as as a whole it was a general affair,and I think you should proceed on that point.

THE WITNESS: While I was in command until October 1941, this relationship between the population and the troops was a good one. I

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can even say that at that time a friendly and amicable relationship existed. While I was there, and while I was commander, no serious difficulties arose anywhere. I should like to say that I myself road through the whole of Greece in an open car without ever being molested. I went on long walks alone, and the individual persons as well as communities showed and expressed their very friendly attitude towards me. It happened occasionally that in all the countries that I had visited, every place where troop inspection, these people in their turn invited me, and asked me to have a glass of wine with them, or asked me to have a fish dinner with them, etc.

Q The document submitted by the prosecution, USR 358/369, a memorandum issued by a Greek exile, expressed excesses by German troops, or of having carried on lootings, and different things in their entry, and having them carried out through political activities. What can you say about this?

A I consider it myself that no looting took place to a great extent at the entry of troops. The memorandum issued by the Greek exile government said in itself that it refers to a few weeks that the Germans had come there were as liberators, and that their entry had been in friendly relationship with the population. The speed of the entry on the one hand contradicts any lootings. The great heat wave, the poor condition of the roads, and the lack of transportation facilities made this impossible. The soldiers could only take along what he needed for battle. Individual cases may have happened, of course, as they occur with any army, and in any theatre of war. Whenever I learned of any such things, I took severe action against the offender. I don't remember any details, of course, but

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I do remember that I had to pass on them in one or the other martial courts of judgment. However, I remember one example concerning the Polish campaign to prove how a civilian~~s~~ in these incidents were punished. Two soldiers who had carried out looting, and who had tried to rape two Jewish women were sentenced to death. The discipline in my army was maintained along the same severe lines at all theatres of war.

Q The Greek memorandum of the exiled ~~xxxx~~ government states further that the German occupation caused starvation, and that the German troops placed this fact of starvation to their services. Can you state anything about this?

A While I was there, the lack of food became obvious in about September. Lack of this food had not been caused by the German troops, but as the Greek exiled government itself admits this fact is due to stocks being very small, and the necessity that even at the most advantageous times Greek continue as an import country. The memorandum further admits that the German troops had knowledge of the condition that had already existed. The lack of transporation facilities caused in general the lack of food. Great Britain had blown the large railway viaduct into the air when they retreated. From Thermopylae, therefore, connections with Athens were interrupted for several months. Shipping from Saloniki to Athens was greatly threatened by British submarines. At one time every second or third ship, and numerous supply ships among these were torpedoed. This also forced us to lower the troop supplies for the time being, but in spite of this we helped the Greek population with the distribution of food and bread, and that applies not only to our territory, but also to the area administered by the Italians, and in order to prevent any later calamities I made several applications

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through official channels for later supply of food. The same thing was done by the plenopotentiary of the Reich through his official channels. We really had no reason to cause any starvation, and I do not know to what purpose we should have upheld orders that such a starvation take place. For humane and practical reasons we wanted to avoid any such evolvements - or famine, for any famine creates or spreads seeds of disquiet.

Q Would you say then that the German authorities in Greece did everything possible to do away with the lack of food crisis?

A What I was able to do there in that quarter was done. I did not experience the famine as such because at the beginning of October I was sent to the military hospital.

Q I should like you to testify briefly on the following points: first, your attitude towards National Socialism; secondly, your attitude towards the method of the Party, and thirdly, especially if you protested to the excesses that occurred in November 1938?

A My attitude in 1933 towards Hitler and the National Socialism was one of opposition or rejection. By reason of my upbringing and my training I was an unpolitical man. I considered this attitude to be essentially for the Reich sphere, this attitude of being unpolitical in order to secure the unity of the Reich. I perhaps may be allowed to explain by giving two short examples. In 1923 I was commandant of the Mountaineer Battalion in Kaempen. I was ordered to proceed to Kaempen with my battalion in order to put down the Hitler Putsch. The battalion obeyed. Although Hitler had on his side distinguished and respected personalities, however, such as Ludendorf, and, tens of thousands of Germans sympathized with Hitler at that time, from the simplest German leader to

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the highest German official they expected that Hitler as a Party would improve the unfortunate conditions prevailing at that time. And the second example in 1923 when I was appointed commander of the infantry school in Dresden for a short time after the Ulmer trial. The Minister of the Reich Defense, a democrat, at that time told me that the education and training was to be especially (non) unpolitical. He wanted to prevent any spread of National Socialism into the Reich sphere, and thus causing its destruction.

Q I am interested originally in the following: When did you hear of excesses that were taken against the Jews when you were Commander in Chief of Army Group 5 in Vienna?

A I heard of it the next day by reading the newspaper, and I previously had either been on a trip, or had been out on the drilling grounds, but I came home that night.

Q What did you do upon hearing of this?

A I went to my office, and then send an officer to the Gauleiter, and protested severely against such incidents, and asked him to see to it that such incidents should not recur. If I remember correctly I also protested to the Police President at the same time, and, I also protested esepcially against employing for such incidents young people, that by these methods poisoning their minds. Great interest I had concerning the Vienna incident. A short time later I received quite a large number of requests and petitions from Jews. Again and again they asked me for help on the question of increasing illness and so on, and I was always helping sofar as I was able to, and I can say from these letters I was sure that they considered me a human and legal thinking person, and

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that is why they applied to me.

Q In September 1942 you then retired when you were Commander in Chief of Army Group A, is that correct?

A Yes.

Q What were your reasons for doing so?

A That was a difference of opinion concerning military matters with Hitler. Hitler had ordered an attack by two Mountaineer Divisions personally. This attack could have been carried out but would finally had led to an annihilation of these two divisions. Therefore, I expressly contradicted it, and he refused my request for a personal interview. I then called up Jodl, and asked him to come to me. Jodl came up on an airplane, and was also of my opinion, and reported to Hitler on the same afternoon. Hitler was so enraged about this resistance that he accused his generals of conspiracy with the front generals against his person. After that time he no longer attended the meals that we had taken in common, and after that time he did not shake his generals' hands any longer. He did not say a single word to Jodl for several months except sofar as official matters were concerned. This showed that Hitler could not bear any contradiction to his orders, and that if he had to give in as he did in this case he considered this a personal insult in the opposing of his vain glory of his person.

Q Now just one short question. Where did you live after your retirement?

A In the town in Partenkirchen.

Q Have you any estate there?

A No. I have only a family house there. We bought the property in 1935,

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and built a house with the inheritance and fortune of my wife.

Q Did you receive any donations?

A No.

DR. LATERNSER: I have no further questions to ask, although there should have been some I should have liked to ask, but I did not do so on account of the shortening of time.

MR TAYLOR: Very well.

CROSS EXAMINATION

BY DR. KEMPNER:

Q Were you born in Partenkirchen?

MR TAYLOR: Doctor, insofar as the affidavit you want to produce to support your examination, you can submit it to the Commission on the 8th of July, if you care to.

BY DR. KEMPNER:

Q Were you born in Partenkirchen?

A Yes.

Q Was your father a doctor?

A Yes.

Q And you are a doctor?

A Yes. At first a country physician, and later on practiced in Munich.

Q You were brought up in Munich?

A Yes, in Munich.

Q Your education was rather strict sofar as religious ethics are concerned?

A Yes.

Q And it is plain why you did not like the incidents that occurred in

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Vienna for example?

A I was horrified.

Q It was terrible, wasn't it?

A I did not see anything,but what I heard was, yes. Although I believe that in Vienna it was not quite so bad as elsewhere.

Q As for example where?

A I don't know.

Q You did not know that similar things had occurred previously in Berlin and Dresden?

A I don't remember.

Q I might say these incidents were not known as such?

A It came quite surprising.

Q I mean similar things had occurred previously?

A I had not heard of any such incident in the matter.

Q How about the smaller incidents?

A Sofar as I remember, yes.

Q And it became really worse,didn't it, is that correct?

A According to this, yes.

Q And then later it became still worse with Himmler, and so on, didn't it?

A Yes, what I learned later confirms your question .

Q You were one of the generals who opposed openly, weren't you?

A I watcheddevelopments of these actions of the National Socialism and National Socialistic methods for a time without even understanding. I had been brought up with clear, clean honorable thinking, and I really did not know of any of these methods. I realized what they were only during my imprisonment. Particularly during the years of 1933 to 1938 while

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I was commander of the 4th Division in Dresden, I carried on together with my chief of staff later, General Gauleiter Bohrmann, and we were pressing badly against all of these things.

Q You knew that Gauleiter Borhmann was in common words a criminal?

A I did not realize that quite so clearly at that time.

Q But you knew of what sort of character was his mind, is that correct?

A Yes.

Q Then otherwise you would not as a decent person have fought against him, is that correct?

A Yes, I must admit that.

Q You can speak quite frankly here. You are not a defendant, but you are a witness. But will you tell me just how was it possible for you as an old officer to go along with Hitler for such things, then. I would like that information, the information sofar as a human point of view is concerned.

A If I answer your question, I must say that one has to look at it from an entirely different point of view from that which one has of matters now, and, if one had had the possibility of a survey, such as one has now, matters would have been much simplier. Moreover, Hitler had come to power quite legally through Hindenberg, and we were moreover bound by our oath of allegiance, and one must remember that ninety percent of the population had expressed by their vote for Hitler, and that we believed that as he was born so and so, he carried along all the will of the nation, and we should respect this will, and even that it really at that time did not enter our minds that one should just leave ones post. That

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was not a thing to do. We believed that we served Hitler, a National Socialism , as our country and our nation as we have always done.

Q That was a very big mistake, wasn't it? Now speak in retrospect.

A Yes, at that time we did not see things as we see these things now,and we always believe that some day the system that was built up on a moral and clean and competent civil service basis,and a military basis would at sometime prevail.

Q Everything has to be quite short, otherwise we won't finish.

A Yes.

Q You remember that you negotiated with the Bulgarians, and the generals at one time in case any action has to be taken against Greece. Were these defensive preparations?

A No, that was only a scope of the order I had received and was superior orders to concentrate forces for Bulgaria and Rumania.

Q Everything had to be camoufalged at that time, didn't it?

A Yes.

Q You participated in these negotiations,didn't you?

A Yes.

Q And Hitler,too?

A No, Hitler not.

Q Field Marshal Goering?

A No, it must be quite a different discussion.

Q You were afterwards informed?

A No, not of this meeting.

Q How was your cooperation with the SD?

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A I did not cooperate with the SD at all.

Q Are you quite sure?

A I don't remember.

Q I have a letter written here to Bohrmann.

A That is quite impossible.

Q Not written by you. Mention is made in this letter of that fact that you cooperated with the SD down in Saloniki ?

A I would say I have tried within the last few weeks again and again to think concerning the SD,and incidents,but I am not successful. The SD and what it applied really only was realized here during my imprisonment,as I am under oath,I would say that without any further ado.

Q Is it possible that any of your people in Saloniki worked with the SD, or one of the officers of your staff?

A Not that I know of.

Q But you took over the responsibility for everything that occurred there, didn't you?

A Of course,but I can not take over the responsibility of things of which I never heard anything. No report made to me of anything that especially happened there.

Q Several art treasures were removed and such things.

A Not that I know of.

Q Didn't you assume the responsibility for things that occurred in ~~xxxxx~~ your sector generally, or are you letting the simple man down here.

A No, I am not letting him down. A possibility existed that so many people were employed here without the knowledge of the operational commander in chief,but it is quite possible there are things that were

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outside the scopes of my knowledge.

Q I even heard that no one wants to have to dominate things.

A I do not want to excuse myself, or to bring up any other excuses, but I never heard anything of removal of treasures, not even the Greek Government with which I associated very often, and the Governor never mentioned such a thing to me.

Q What is your attitude concerning the burning down of whole villages, and the extermination of civilian population, or of the male population of from sixteen to sixty.

A I am opposed to this under all circumstances. This was not ordered by me,and I don't believe occurred during the time I was there.

Q The date is October 1941.

A I was already down with acute appendicitis within the first few days of October 1941. This incident occurred three weeks after I was operated on,and Iwas no longer in command at that time.

Q Were you still active at that time?

A I was in the military hospital.

Q During what time and what date were you in the hospital?

A From the 6th or 8th of October to the 2nd of December.

Q Who was your deputy at that time?

A General Kunze.

Q And after your appendicitis operation you assumed your post again?

A No, as I remember such, I went to the hospital on 6th or 8th of October,and after Iwas dismissed from the hospital Ireturned home immediately afterwards,and did not do any duty until the 7th of July 1942.

Q But youlearned later,didn't you, without my wanting to accuse you here, of anything, of this burning down of the Greek villages

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that took place?

A No, I did not learn of it. We heard of these burning down of villages in the prisoner's camp at Allendorf.

Q The following villages were burned down. All of this took place at th e end of October,and was the change such a big one, after you had left and were operated on for appendicitis.

A It must have been changed when I left, because I testified previously that during my time the relationship was not purely a peaceful one.

Q Was General Kunze so particularly hard in this respect, so different from you?

A I don't believe so. I don't know him as being such a particular hard hearted man. The cause must have led to the conditions. Maybe orders issued from superior quarters.

Q Would you ever had carried out any such actions against the male population where 67 people were shot,and women and children were evacuated?

A I would not have ordered them on any occasion,and would not have approved of it.

Q You would rather have retired then have a hand in such affair?

A I can not say today what I would have done in this specific case, but I would have tried to avoid that any such incidents occurred. I never would have led myself to be used to approve of any such action.

Q You would have rejected criminal orders?

A In every case.

Q You are a member of the General Staff, are you.

A Yes, an old member of the General Staff.

Q And were raised in the traditions of Schlieffen and Moltke?

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A Yes.

Q So a person ofthat kind opposes such order, and shoulders his manly pride as a king?

A Yes.

Q And he who excuses criminal orders is no better than one who uses them, is that correct?

A It is very difficult to judge that in a general way now, and one will have to consider the condition that prevailed. I in person would not have carried out any criminal orders. Of course, I was never in a position to have it so, but I would have rejected it in any case.

Q When did you retire definitely?

A On 10 September 1942.

Q Is it correct if I say that it was not only appendicitis operation that induced you to do so?

A Yes, I just want to say, if anything, from 1941 to 1942 I was at home because of ill health,and I left in 1942 because of a very severe difference of opinion with Hitler.

Q I want to come to this point now. Was it one of your difference of opinion that caused you to retire; this difference of opinion that cirst came out in that talk during a conversation, in which you told friends that you were sick of the whole affair?

A I was very glad that I to leave; the cause was this difference of opinion.

Q That was the immediate cause?

A Not only the immediate cause, it was the particular cause. The other, of course, had played a hand.

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Q And what were the reasons that played a hand? Will you tell us quite openly here now?

A Yes. I can not say anything different except what I already said, the difference of where we were of a difference of opinion in a military nature, in a subconscious way.

Q Yes, that is what I know of.

A Of subconsciously, where the part played may have been played especially by the contradiction that became more and more imminent concerning the methods that were used.

Q Your decent conscience told you gradually and subconsciously that you were here dealing with criminals, is that true?

A I may have arranged my thoughts at that time in a form that I considered them criminals, because I did not realize the mass of happenings that I knew of today. I was relatively in seclusion, and people did not tell me much of outside events and affairs.

Q If you don't want to say criminal, let's say it was something rotten in the "State of Denmark" and maybe that occurred in it.

A There were many things that should have been and could have been handled differently.

DR KEMPNER: That is all.

MR TAYLOR: Do you have some questions.

DR. LATERNSER: Yes.

BY DR. LATERNSER:

Q You should look at the document submitted to the witness, and I should like to ask two very brief questions. You were questioned by the prosecutor, Dr. Kempner, concerning the question of responsibility. One thing to

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be quite clear on, do you want to say that you assumed responsibility for those things that were carried out at your orders?

A Naturally.

Q Do you also want to assume the responsibility for those things carried out contrary to your orders?

A No,for I would have to impose the legal or penal measures.

Q Now one question concerning your retirement. When you retired in 1942,did you do so at your application?

A No, no, I did not upon application . Hitler was so enraged about my resistance,that General Keitel came to meby airplane,and informed me of this, and suggested urgently that I lay down my command ~~fr~~ over my army group, whereupon Ianswered,"Yes, everything has been prepared today,at noon I shall lay down my own command. "

Q Then you did not retire against the will of Hitler?

A No.

DR. LATERNSER: No further questions.

MR. TAYLOR: The witness is excused,~~and~~ adjournment until ten o'clock in the morning.

(The Commission adjourned until 5 July 1942 at 1000 hours)

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The foregoing is a true and correct transcript of the testimony of Dr. WILHELM von LIST, taken on 4 July 1946.

Charles Gallagher
Reporter (pp 1-22 pp)

CERTIFIED TO:

Geo Taylor
Commissioner

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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

4 July 1946

COMMISSIONERS:

MR. GEORGE R. TAYLOR

THE GENERAL STAFF

(The Commission convened at 1530 hours)

DR. WILHELM LIST, a witness, took the stand and testified as follows:

BY MR. TAYLOR:

Q Will the witness rise and repeat his name?

A Wilhelm von List.

Q Will you raise your right hand and be sworn, please, as follows: I swear to God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath)

MR. TAYLOR: Proceed with the examination of the witness.

BY DR. LATERNSER:

Q When were you born?

A On 14 May 1880.

Q What was the last rank that you held?

A Field Marshal General.

Q What important offices did you hold within the German Wehrmacht?

A From 1930 to 1933 I was commandant of the infantry schoolin Dresden. From 1933 to 1938 I was division commander of the 4th Division, and later commanding general of the 4th Company Division in Dresden. In the Spring of 1938 I was for a short time commander in chief of Army Group Kassel. On the 1st April 1938 I became commander in chief of Army Group 5 in Vienna. In the war I commanded an Army each in Poland, France and Greece. In 1941 I became ill and later held only a two months front commandership from July to September 1942. In 1942 I retired and was not employed since.

Q Witness, were the persons named in the alleged group of general staff and OKW organized or united as a group?

A No. These persons were not organized as a group, or united as such,

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and there was not even any private political union of these people. Each person was called to serve in his position as an individual, and was given his orders. There was no political, or any parliamentary participation in anything, that was impossible. The people were appointed to their posts solely on the basis of character and ability, and personality. These people did not even have any definite binding of one to the other. They were in no way organized, and there was not even any official exchange of opinions.

Q In the spring of 1938, that is, during the time of the annexation of Austria, you were Commander in Chief Kassel, is that correct?

A Yes.

Q When did you learn of the intention of entering Austria?

A I learned of the intention of entry on that morning, and of the entry itself through the radio. I was all the more surprised because I as Commander in Chief, Army Group 2 Kassel, was reponsible for securing the western front. This is particularly a typical example of how little Hitler informed his generals of his intentions, and how secret his actions were kept; they had to play a long important part in these actions.

Q You also participated in the occupation of Czechoslovakia, didn't you?

A Yes. I occupied southern Moravia.

Q And when did you hear of the intention of this occupation?

A A short time before the occupation.

Q And how long beforehand?

A I could not say that with certainty any more. Perhaps one or two days beforehand.

Q Did you command an army in the French campaign?

A Yes. When I arrived at the Western front I learned from the commander in chief of the army group, von Bock, that he had just now received an order for a plan of attack. Bock was strictly opposed to any settling of dispute by war. In the course of the next few weeks I then reported on this, and conveyed my impression with the consent of my chief when I consented, and the commander in chief of the army was of our opinion. Hitler gave us our answer to our opinions in the Reich Chancellory in November 1939 by accusing us and the other generals of being timid.

Q When were you informed about the intentions concerning Norway?

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A I was not informed about the intentions. I only learned of the fact as such by means of the public news service.

Q In 1941 you commanded the armies in Greece, and in the south of Yugoslavia?

A Yes.

Q Who gave you your orders?

A I received my orders from the commander in chief of the army a short time before Christmas 1940; the order that I should collect a group in Rumania, or a troop group in Rumania. The concentration at that time had already started, so that I had not heard concerning the plan as such previously. It was then intended to remove this troop later on, and to Bulgaria, this might become necessary because information had been received concerning the intentions of concentration of British troops in Greece, and, that information had been received concerning the intended landing of a stronger force on Saloniki. Hitler himself wanted to avoid an armed conflict with Greece if possible. After the Intelligence received information concerning the intention of the concentrations in Bulgaria, and also the actual concentrations of troops in Crete and Greece had become evenmore strong, Hitler gave the order to occupy Greece. There was the opinion that I had the opinion, which I had, that this concerned an active defensive operation against a danger that threatened from the British. This threat of danger consisted first in the threat to the Italian front as such, a threat to the middle field in Rumania, and a threat to the supply lines in Bulgaria and the Balkans, and in order to anticipate this danger, the invasion was ordered.

Q You also commanded against Yugoslavia, is that correct?

A Yes, the southern area of Yugoslavia, and southern Macedonia.

Q Were you heard on this point before the decision was taken?

A No. I was not heard on this point beforehand. On the contrary I was surprised when the order came through to invade. That was after the overflow of the Yugoslavia, that was directed against it up to this time, the concentration had always been directed towards the south of Yugoslavia, and had not been allowed after it became an excess, or overflow, and that the troops be allowed to pass through their country in sealed train cars, and this order

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then came very suddenly, and then that every plan had to be completely and suddenly changed. About fifteen Yugoslavian Divisions were reported to me to have concentrated to which I could only oppose very inferior troops. Therefore, I must say that an invasion of Yugoslavia, as well as that of Greece, was distinguished by being a military active defensive action, and not an aggressive action as set forth in the indictment. It was purely a defensive action against a military threat.

Q The prosecution maintains that the war in Yugoslavia and Greece was waged as a merciless war. Did you receive any orders to this effect, or receive any order yourself to this effect?

A No. No, I did not receive such orders, and I also did not issue such orders. It would have been a complete contradiction to my christian and to my ethical attitude to ask the troops to carry on such warfare. The sincere sympathies that I held towards the Greek people would also have meant another reason against this method. The facts as such contradict the accusation. If I may say so in a few words, the war in southern Macedonia was decided within a few days. Casualties on both sides were low. The individual Yugoslavia troops did not refuse to participate in the fight at all. These troops were Croatian tribes who sympathized with Germany. The relationship with the population was on a whole made up of Macedonians, and also was of Thacian, and was on the whole natural. Three days after the beginning of hostilities Saloniki was taken without any fighting. Immediately afterwards the British Army capitulated. The commander in chief of this army was made after a few days governor of Thracia and Macedonia. On 20 April the Imperial Army capitulated in Greece with about 250,000 men. I invited the commander in chief to my quarters for breakfast without having the Italian delegation present in order not to hurt his feelings as a military man, for he had been at the request of Hitler and was immediately asked to sign a capitulation for a second time. The prisoners of war of the operation as of the Imperial Army were dismissed at my request immediately after the Armistice. The officers were allowed to take their arms along, and all of this took place at the time when we were still fighting with the British in Greece. In order not to have the operations make Italian prisoners of war, I drew up a security line here. At the conclusion of the Armistice I issued an order of the

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day to my troops, and in this order expressed my respect for the courage of the Greek troops, and also of the Metaxas line, and recommended my soldiers publicly to behave in a similar way. Many prisoners of war that had been released were taken along by our soldiers to their native villages and towns in military transport cars and trucks. On 27 April Athens was entered without any fighting, and no destruction had taken place within the city.

Q Did any destruction occur when Saloniki was taken?

A No, in no way.

Q And then there would be in a short while a war against Greece?

A Yes.

Q Did you issue any orders whatsoever concerning the treatment of the

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Greek population in Greece?

A I repeatedly told my troops and commanders to treat the Greek population as carefully as possible, and to preserve the Greek population from suffering the cruelties of war. All of us were pervaded by the thought of trying to reach a peaceful agreement with the Greek population.

Q Can you give a few examples concerning the relationship of the troops to Greece.

DR. KEMPNER: Do we need all of these details.

DR. LATERNSER: I believe this question is important relative to the case where troops have been accused of waging ruthless war, and that is shown in the indictment.

DR. KEMPNER: If the witness can prove these allegations which are written is onething, but whether he knows of these things which he says refers to the confines of the indictment is another thing. That there were instances in which the troops were nice to the population I do not see any relevancy there.

DR. LATERNSER: I shall refer here now to special cases mentioned by the indictment and the prosecution.

MR. TAYLOR: The Commission is of the opinion that the witness in confining it to the whole as the commander, and in a country inwhich it would be a certain defense - a proper defense; out of the organization as a whole it was a general affair, and I think you should proceed on that point.

THE WITNESS: While I was in command until October 1941, this relationship between the population and the troops was a good one. I can even say that at that time a friendly and amicable relationship existed. While I was there, and while I was commander, no serious difficulties arose anywhere. I should like to say that I myself rode through the whole of Greece in an open car without ever being molested. I went on long walks alone, and the individual persons as well as communities showed and expressed their very friendly attitude towards me. It happened occasionally that in all the countries that I had visited, every place where troop inspection, these people in their turn invited me, and asked me to have a glass of wine with them, or asked me to have a fish dinner with them, etc.

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Q The document submitted by the prosecution, USR 358/369, a memorandum issued by a Greek exile, expressed excesses by German troops, or of having carried on lottings, and different things in their entry, and having them carried out through political activities. What can you say about this?

A I consider it myself that no looting took place to a great extent at the entry of troops. The memorandum issued by the Greek exile government said in itself that it refers to a few weeks that the Germans had come there were as liberators, and that their entry had been in friendly relationship with the population. The speed of the entry on the one hand contradicts any lootings. The great heat wave, the poor condition of the roads, and the lack of transportation facilities made this impossible. The soldier could only take along what he needed for battle. Individual cases may have happened, of course, as they occur with any army, and in any theatre of war. Whenever I learned of any such things, I took severe action against the offender. I don't remember any details, of course, but I do remember that I had to pass on them in one or the other martial courts of judgment. However, I remember one example concerning the Polish campaign to prove how a civilian in these incidents was punished. Two soldiers who had carried out lotting, and who had tried to rape two Jewish women were sentenced to death. The discipline in my army was maintained along the same severe lines at all theatres of war.

Q The Greek memorandum of the exile government states further that the German occupation caused starvation, and that the German troops placed this fact of starvation to their servies. Can you state anything about this?

A While I was there, the lack of food became obvious in about September. Lack of this food had not been caused by the German troops, but as the Greek exiled government itself admits this fact is due to stocks being very small, and the necessity that even at the most advantageous times Greece continue as an import country. The memorandum further admits that the German troops had knowledge of the condition that had already existed. The lack of transportation facilities caused in general the lack of food. Great Britain had blwon the large railway viaduct into the air when they retreated. From

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Thermopylae, therefore, connections with Athens were interrupted for several months. Shipping from Saloniki to Athens was greatly threatened by British submarines. At one time every second or third ship, and numerous supply ships among these were torpedoed. This also forced us to lower the troop supplied for the time being, but in spite of this we helped the Greek population with the distribution of food and bread, and that applies not only to our territory, but also to the area administered by the Italians, and in order to prevent any later calamities I made several applications through official channels forlater supply of food. The same thing was done by the plenipotentiary of the Reich through his official channels. We really had no reason to cause any starvation, and I do not know to what purpose we should have upheld orders that such a starvation take place. For humane and practical reasons we wanted to avoid any such evolvements - or famine, for any famine creates or spreads seeds of disquiet.

Q Would you say then that the German authorities in Greece did everything possible to do away with the lack of food crisis?

A What I was able to do there in that quarter was done. I did not experience the famine as such because at the beginning of October I was sent to the military hospital.

Q I should like you to testify briefly on the following points: first, your attitude towards National Socialism; secondly, your attitude towards the method of the Party, and thirdly, especially if you protested to the excesses that occurred in November 1938?

A My attitude in 1933 towards Hitler and the National Socialism was one of opposition or rejection. By reason of my upbringing and my training I was an unpolitical man. I considered this attitude to be essentially for the Reich sphere, this attitude of being unpolitical in order to secure the unity of the Reich. I perhaps may be allowed to explain by giving two short examples. In 1923 I was commandant of the Mountaineer Battalion in Kaempen. I was ordered to proceed to Kaempen with my battalion in order to put down the Hitler Putsch. The battalion obeyed. Although Hitler had on his side distinguished and respected personalities, however, such as

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Ludendorf, and, tens of thousands of Germans sympathized with Hitler that time, from the simplest German leader to the highest German official they expected that Hitler as a Party would improve the unfortunate conditions prevailing at that time. And the second example in 1923 when I was appointed commander of the infantry school in Dresden for a short time after the Ulmer trial. The Minister of the Reich Defense, a democrat, at that time told me that the education and training was to be especially non-political. He wanted to prevent any spread of National Socialism into the Reich sphere, and thus causing its destruction.

Q I am interested originally in the following: When did you hear of excesses that were taken against the Jews when you were Commander in Chief of Army Group 5 in Vienna?

A I heard of it the next day by reading the newspaper, and I previously had either been on a trip, or had been out on the drilling grounds, but I came home that night.

Q What did you do upon hearing of this?

A I went to my office, and then sent an officer to the Gauleiter, and protested severely against such incidents, and asked him to see to it that such incidents should not recur. If I remember correctly I also protested to the Police President at the same time, and, I also protested especially against employing for such incidents young people, that by these methods poisoning their minds. Great interest I had concerning the Vienna incident. A short time later I received quite a large number of requests and petitions from Jews. Again and again they asked me for help on the question of increasing illness and so on, and I was always helping so far as I was able to, and I can say from these letters I was sure thatthey considered me a human and legal thinking person, and that is why they applied to me.

Q In September 1942 you then retired when you were Commander in Chief of Army Group A, is that correct?

A Yes.

Q What were your reasons for doing so?

A That was a difference of opinion concerning military matters with Hitler. Hitler had ordered an attack by two Mountaineer Divisions personally.

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This attack could have been carried out but would finally have led to an annihilation of these two divisons. Therefore, I expressly contradicted it, and he refused my request for a personal interview. I then called up Jodl, and asked him to come to me. Jodl came up on an airplane, and was also of my opinion, and reported to Hitler on the same afternoon. Hitler was so enraged about this resistance that he accused his generals of conspiracy with the front generals against his person. After that time he no longer attended the meals that we had taken in common, and after that time he did not shake his generals' hands any longer. He did not say a single word to Jodl for several months except so far as official matters were concerned. This showed that Hitler could not bear any contradiction to his orders, and that if he had to give in as he did in this case he considered this a personal insult in the opposing of his vain glory of his person.

Q Now just one short question. Where did you live after your retirement?

A In the town in Partenkirchen.

Q Have you any estate there?

A No. I have only a family house there. We bought the property in 1935.

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and built a house with the inheritance and fortune of my wife.

Q Did you receive any donations?

A No.

DR. LATERNSER: I have no further questions to ask, although there should have been some I should have liked to ask, but I did not do so on account of the shortening of time.

MR. TAYLOR: Very well.

CROSS EXAMINATION

BY DR. KEMPNER:

Q Were you born in Partenkirchen?

MR. TAYLOR: Doctor, insofar as the affidavit you want to produce to support your examination, you can submit it to the Commission on the 8th of July, if you care to.

BY DR. KEMPNER:

Q Were you born in Partenkirchen?

A Yes.

Q Was your father a doctor?

A Yes.

Q And you are a doctor?

A Yes. At first a country physician, and later on practised in Munich.

Q You were brought up in Munich?

A Yes, in Munich.

Q Your education was rather strict so far as religious ethics are concerned?

A Yes.

Q And it is plain why you did not like the incidents that occurred in Vienna for example?

A I was horrified.

Q It was terrible, wasn't it?

A I did not see anything, but what I heard was, yes. Although I believe that in Vienna it was not quite so bad as elsewhere.

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Q As for example where?

A I don't know.

Q You did not know that similar things had occurred previously in Berlin and Dresden?

A I don't remember.

Q I might say these incidents were not new as such?

A It came quite surprising.

Q I mean similar things had occurred previously?

A I had not heard of any such incident in the matter.

Q How about the smaller incidents?

A So far as I remember, yes.

Q And it became really worse, didn't it, is that correct?

A According to this, yes.

Q And then later it becamestill worse with Himmler, and so on, didn't it?

A Yes, what I learned later confirms your question.

Q You were one of the generals who opposed openly, weren't you?

A I watched developments of these actions of the National Socialism and National Socialistic methods for a time without even understanding. I had been brought up with clear, clean honorable thinking, and I really did not know of any of these methods. I realized what they were only during my imprisonment. Particularly during the years of 1933 to 1938 while I was commander of the 4th Division in Dresden, I carried on together with my chief of staff later, General Gauleiter Bohrmann, and we were pressing badly against all of these things.

Q You knew that Gauleiter Borhmann was in common words a criminal?

A I did not realize that quite so clearly at that time.

Q But you knew of what sort of character was his mind, is that correct?

A Yes.

Q Then otherwise you would not as a decent person have fought against him, is that correct?

A Yes, I must admit that.

Q You can speak quite frankly here. You are not a defendant, but you

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are a witness. But will you tell me just how was it possible for you as an old officer to go along with Hitler for such things, then. I would like that information, the information so far as a human point of view is concerned.

A If I answer your question, I must say that one has to look at it from an entirely different point of view from that which one has of matters now, and, if one had had the possibility of a survey, such as one has now, atters would have been much simpler. Moreover, Hitler had come to power quite legally through Hindenburg, and we were moreover bound by our oath of allegiance, and one must remember that ninety percent of the population had expressed by their vote for Hitler, and that we believed that he was born so and so, he carried a along all the will of the nation, and we should respect this will, and even that it really at that time did not enter our minds that one should just leave one's post. That wasnot a thing to do. We believed that we served Hitler, a National Socialism, as our country and our nation as we have always done.

Q That was a very big mistake, wasn't it? Now speak in retrospect.

A Yes, at that time we did not see things as we see these things now, and we always believe that some day the system that was built up on a moral and clean and competent civil service basis, and a military basis would at sometime prevail.

Q Everything has to be quite short, otherwise we won't finish.

A Yes.

Q You remember that you negotiated with the Bulgarians, and the generals at one time in case any action has to be taken against Greece. Were these defensive preparations?

A No, that was only a scope of the order I had received and was superior orders to concentrate forces for Bulgaria and Rumania.

Q Everything had to be camouflaged at that time, didn't it?

A Yes.

Q You participated in these negotiations, didn't you?

A Yes.

Q And Hitler, too?

A No, Hitler not.

Q Field Marshal Goering?

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A No, it must be quite a different discussion.

Q You were afterwards informed?

A No, not of this meeting.

Q How was your cooperation with the SD?

A I did not cooperate with the SD at all.

Q Are you quite sure?

A I don't remember.

Q I have a letter written here to Bohrmann.

A That is quite impossible.

Q Now written by you. Mention is made in this letter of that fact that you cooperated with the SD down in Saloniki?

A I would say I have tried within the last few weeks again and again to think concerning the SD, and incidents, but I am not successful. The SD and what it applied really only was realized here during my imprisonment, as I am under oath, I would say that without any further ado.

Q Is it possible that any of your people in Saloniki worked with the SD, or one of the officers of yourstaff?

A Not that I know of.

Q But you took over the responsibility for everything that occurred there, didn't you?

A Of course, but I can not take over the responsibility of things of which I never heard anything. No report made to me of anything that especially happened there.

Q Several art treasures were removed and such things.

A Not that I know of.

Q Didn't you assume the responsibility for things that occurred in your sector generally, or are you letting the simple man down here.

A No, I am not letting him down. A possibility existed that so many people were employed here without the knowledge of the operational commander in chief, but it is quite possible there are things that were outside the scope of my knowledge.

Q I even heard that no one wants to have to dominate things.

A I do not want to excuse myself, or to bring up any other excuses, but

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I never heard anything of removal of treasures, not even the Greek Government with which I associated very often, and the Governor never mentioned such a thing to me.

Q What is your attitude concerning the burning down of whole villages, and the extermination of civilian population, or of the male population of fromsixteen to sixty.

A I am opposed to this under all circumstances. This was not ordered by me, and I don't believe occurred during the time I was there.

Q The date is October 1941.

A I was already down with acute appendicitis within the first few days of October 1941. This incident occurred three weeks after I was operated on, and I was no longer in command at that time.

Q Were you still active at that time?

A I was in the military hospital.

Q During what time and what date were you in the hospital?

A From the 6th or 8th of October to the 2nd of December.

Q Who was your deputy at that time?

A General Kunze.

Q And after your appendicitis operation you assumed your post again?

A No, as I remember such, I went to the hospital on 6th of 8th of October, and after I was dismissed from the hospital I returned home immediately afterwards, and did not do any duty until the 7th of July 1942.

Q But you learned later, didn't you, without my wanting to accuse you here of anything, of this burning down of the Greek villages

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A No, I did not learn of it. We heard of these burning down of villages in the prisoners's camp at Allendorf.

Q The following villages were burned down. All of this took place at the end of October, and was the change such a big one, after you had left and were operated on for appendicitis?

A It must have been changed when I left, because I testified previously that during my time the relationship was not purely a peaceful one.

Q Was General Kunze so particularly hard in this respect, so different from you?

A I don't believe so. I don't know him as being such a particular hard hearted man. The cause must have led to the conditions. Maybe orders issued from superior quarters.

Q Would you ever had carried out such actions against the male population where 67 people were shot, and women and children were evacuated?

A I would not have ordered them on any occasion, and would not have approved of it.

Q You would rather have retired than have a hand in such affairs?

A I can not say today what I would have done in this specific case, but I would have tried to avoid that any such incidents occurred. I never would have led myself to be used to approve of any such action.

Q You would have rejected criminal orders?

A In every case.

Q You are a member of the General Staff, are you?

A Yes, an old member of the General Staff.

Q And were raised in the traditions of Schlieffen and Motlke?

A Yes.

Q So a person of that kind opposes such order, and shoulders his manly pride as a king?

A Yes.

Q And he who excuses criminal orders is no better than one who uses them, is that correct?

A It is very difficult to judge that in a general way now, and

one would have to consider the condition that prevailed. I, in person, would not have carried out any criminal orders. Of course, I was never in a position to have it so, butI would reject it in any case.

Q When did you retire definitely?

A On 10 September 1942.

Q Is it correct if I say thatit was not only appendicitis operation that induced you to do so?

A Yes, I just want to say, if anything, from 1941 to 1942 I was at home because of ill health, andI left in 1942 because of a very severe difference of opinion with Hitler.

Q I want to come to this point now. Was it one of the differences of opinion that caused you to retire; this difference of opinion that first came out in that talk during a conversation, in which you told friends that you were sick of the whole affair?

A I was very glad to leave; the cause was this difference of opinion.

Q That was the immediatecause?

A Not only the immediate cause, it was theparticular cause. The other, of course, hadplayed a hand.

And what were the reasons that played a hand? Will you tell us quite openly here, now?

A Yes. I can not say anything different except what I had already said, the differences of where we were of a difference of opinion in a military nature, in a subconscious way.

Q Yes, thatis what I know of.

A Of subconsciously, where thepart played may have been played especially by the contradiction that became more and more imminent concerning the methods that were used.

Q Your decent conscience told you gradually and subconsciously that you were here dealing with criminals, is that true?

A I may have arranged my thoughts at that time in a form that I considered them criminals, because I did not realize the mass of happenings that I know of today. I was relatively in seclusion, and people did not

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tell me much of outside events and affairs.

Q If you don't want to say criminal, let's say something rotten in the "State of Denmark" and maybe that occurred in it.

A There were many things that should have been and could have been handled differently.

DR. KEMPNER: That is all.

MR. TAYLOR: Do you have some questions?

DR. LATERNSER: Yes.

BY DR. LATERNSER:

Q You should look at the document submitted to the witness, and I should like to ask two very brief questions. You were questioned by the prosecutor, Dr. Kempner, conderning the questions of responsibility. One thing to be quite clear on, do you want to say that you assumed responsibility for those things that were carried out at your orders?

A Naturally.

Q Do you also want to assume the responsibility for those things carried out contrary to your orders?

A No, for I would have to impose the legal or penal measures.

Q Now one question concerning your retirement. When you retired in 1942, did you do so at your application?

A No, no, I did not upon application. Hitler was so enraged about my resistance, that General Keitel came to me by airplane, and informed me of this, and suggested urgently that I lay down my command over my army group, whereupon I answered, "Yes, everything has been prepared today, at noon I shall lay down my own command."

Q Then you did not retire against the will of Hitler?

A No.

DR. LATERNSER: No further questions.

MR. TAYLOR: The witness is excused, adjournment until ten o'clock in the morning.

(The Commission adjourned until 5 July 1946 at 1000 hours)

The foregoing is a true and correct transcript of the testimony of Dr. WILHELM von LIST, taken on 4 July 1946.

Charles Gallagher
Reporter

CERTIFIED TO:

Geo. R. Taylor
Commissinner